

## **Part 3**

# **Rules of Procedure**

3.1 Access to Information Procedure Rules

3.2 Budget and Policy Framework Procedure Rules

3.3 Contracts Procedure Rules

3.4 Council Standing Orders

3.5 Executive Procedure Rules

3.6 Overview and Scrutiny Procedure Rules

3.7 Financial Procedure Rules

### 3.1 Access to Information Procedure Rules



## Publication Scheme

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## **1.0 INTRODUCTION**

- 1.1 This policy has been developed drawing upon the model publication scheme prepared and approved by the Information Commissioners Office (ICO). The scheme commits the Council to make information available to the public as part of its normal business activities. The information covered is included within the classes of information mentioned below, where held by the Council.

## **2.0 AIM & OBJECTIVES**

- 2.1 The scheme commits Mid Ulster District Council:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the council and falls within the classifications below
- To specify the information which is held by the Council and falls within the classifications below
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public
- To review and update on a regular basis the information the authority makes available under this scheme
- To produce a schedule of any fees charged for access to information which is made proactively available
- To make this publication scheme available to the public
- To publish any dataset held that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable in an electronic format that is capable of re-use; and if any information in the dataset is a relevant copyright work and the Council is the only owner, to make the information available for re-use under a specified licence. The 'term' dataset is defined in section 11(5) of the Freedom of Information Act. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of the Act

### **3.0 Classes of Information**

3.1 In the application of this publication scheme Council shall make reference to the following Classes of Information:

**(i) Who we are and what we do**

Organisational information, locations and contacts, constitutional and legal governance

**(ii) What we spend and how we spend it**

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts

**(iii) What our priorities are and how we are doing**

Strategy and performance information, plans, assessments, inspections and reviews

**(iv) How we make decisions**

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations

**(v) Our policies and procedures.**

Current written protocols for delivering our functions and responsibilities

**(vi) Lists and registers**

Information held in registers required by law and other lists and registers relating to the functions of the authority.

**(vii) The services we offer**

Description of the services offered. Advice and guidance, booklets and leaflets, transactions and media releases.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act (2000), or is otherwise properly considered to be protected from disclosure
- Information in draft form
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

### **4.0 Method by which information published under this scheme will be made available**

4.1. Appendix A details the information that is covered by this scheme and how it can be obtained. Council will work towards publishing the information on its

website: [www.midulstercouncil.org](http://www.midulstercouncil.org). Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, information can be obtained by the following means:

- **Electronic requests** – via email to [info@midulstercouncil.org](mailto:info@midulstercouncil.org)

- **Postal requests** – in writing to:

Head of Democratic Services  
Mid Ulster District Council  
Dungannon Office  
Circular Road  
Dungannon  
BT71 6DT

- **In person** – In exceptional circumstances some information may be available only by viewing in person. An appointment to view the information can be arranged. In this circumstance provision of information will be considered in accordance with the provisions of the Freedom of Information Act (2000). To assist in the provision of obtaining information, persons should submit the request in writing to Head of Democratic Services, Mid Ulster District Council.

4.2 Information will be provided in the language in which it is held or in such other language that is legally required. Where the council is required to translate any information, it will do so.

4.3 Disability and discrimination obligations to provide information in alternative and formats will be adhered to when providing information in accordance with this scheme.

## **5.0 Charges which may be made for information published under this scheme**

5.1 The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the council for routinely published material will be justified and transparent and kept to a minimum.

5.2 Material which is published and accessed on a website will be provided free of charge.

5.3 Charges may be made for expenditure incurred in the distribution of information such as photocopying, postage and packaging costs and any costs directly incurred as a result of viewing information.

5.4 Charges may be made for information provided under this scheme where they are legally authorised, they are in all circumstances, including the general principles of the right of access to information held by public authorities,

justified and are in accordance with a published schedule or schedule of fees which is readily available to the public.

- 5.5 Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with either regulations made under section 11B of the Freedom of Information Act or other enactments.
- 5.6 If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.
- 5.7 Charges may be made for information subject to the following Publication Scheme Charges as determined by Mid Ulster District Council:

**Free of charge** - This includes general facts and information on the services offered to the public. In addition to information published on the Council's website it also includes answering telephone queries, providing copies of free leaflets and inspection of reference materials at Council offices.

**Priced Publications** – Where the information required is available in a priced publication, details of the publication, the cost and where to obtain it will be provided.

**Charges for Re-usable Datasets** – If the Council incurs a cost when making any data sets (or part of a data set) available for reuse a charge may be levied for the provision of such data set.

**Photocopying Costs, Postage and Packaging** – This incorporates already prepared information which can be photocopied or provided by a computer printout. This includes copies of entries in public registers, copies of Council internal guidance documents, explanatory material on dealing with the public and administrative applications as outlined in the charging regime:

A3 - A5 Double Sided	10p per sheet**
A2 Sheet	£2.00 per sheet**
A0 - A1 dyeline prints	£5.00 each
Postage & Packaging	At Cost Incurred

\*\* Cost for copying when in excess of £5 per request

### **Administrative Charges**

Planning Drawings	£5.00
Planning Copy of Decision Notice and Site Location Plan (includes electronic and postage means)	£5.00

Removal of Statutory Charge	£25.00
Re-stamping of Plans	£20.00
Re-issue of Approval Certificates	£15.00
Legal Enquiries regarding work stages	£25.00
Postal Address Confirmation	£15.00
Archive Search	£25.00
Exemption Letter	£15.00

No charges will be made where a request for information is refused. There will be no charge to appeal against a refusal to supply requested information. Nor will there be a charge to appeal against any charges made for requested information. Mid Ulster District Council owns the copyright to the information it produces.

## **5.1 Written requests**

5.1.1 Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act 2000. The Council has a responsibility to provide a response within 20 working days. Any such requests will be considered in line with the Councils statutory obligations.

## **5.2 Exempt Information**

5.2.2 In order to protect confidential or other information where its disclosure may prejudice the interest of others, the Freedom of Information Act 2000 sets out a series of exemptions.

5.2.3 The classes of information which the Council has specified in this scheme as being classes of information which it publishes or intends to publish, may in some cases contain material it considers to contain exempt information, as defined in the Freedom of Information Act 2000. Accordingly, any such information is excluded from this publication scheme.

5.2.4 If it is deemed that an exemption applies, the Council will provide a written notice citing the exception and the reason the information has been withheld. Full details of all exemptions under the Freedom of Information Act 2000 are indexed at [www.ico.org.uk](http://www.ico.org.uk).

## **5.3 The Review Procedure**

5.3.1 Any written reply from a requester expressing dissatisfaction with the Councils response has the right to embark on a two stage review process of the



Council's handling of the request. An internal review is normally completed before a right of appeal may be lodged with the Information Commissioner's Officer.

5.3.2 An internal review should be sought through the office of the Chief Executive of Mid Ulster District Council, Dungannon Office, Circular Road, Dungannon BT71 6DT. A member of staff who was not involved with the original request will undertake the review and will be considered by the Chief Executive.

5.3.2 If after an internal review, the requester remains dissatisfied, they have the right to appeal to the Information Commissioner. Request for a review by the Information Commissioner should be made in writing to, Commissioner's Office, 3<sup>rd</sup> Floor, 14 Cromac Place, Belfast, BT7 2JB.

## **6.0 ROLES AND RESPONSIBILITIES**

6.1 **Marketing and Communications:** requests can be made using the Council email address [info@midulstercouncil.org](mailto:info@midulstercouncil.org) as outlined in 4.1. The processing of requests will be designated to the appropriate officers.

6.2 **Democratic Services:** responsible for; processing requests received; considering requests to view documentation in person within the provisions of the Freedom of Information Act; arranging appointments to view; monitoring the relevant administrative arrangements.

## **7.0 IMPACT ASSESSMENTS**

### **7.1 Equality Screening & Impact**

7.1.1 The Publication Scheme is currently in draft form and yet to be equality screened.

### **7.2 Staff & Financial Resources**

7.2.1 No issues have been identified which will impact on the delivery of Council business as a result of this policy being implemented.

## **8.0 SUPPORT AND ADVICE**

8.1 Advice and guidance on the implementation of this can be sought from the Democratic Services.

## **9.0 COMMUNICATION**

9.1 Democratic Services shall be responsible for the communication and understanding of this Publication Scheme amongst all relevant staff.

9.2 This Publication Scheme will be communicated internally and Directors to ensure it is communicated with their relevant staff.

## **10.0 MONITORING & REVIEW ARRANGEMENTS**

- 10.1 Implementation of this Publication Scheme will be routinely monitored and a formal review undertaken 24 months from its effective date.

## Appendix A: Information covered by Scheme and Availability

### (i) Who we are and what we do

Category	Type of Information	How it can be accessed	Contact Details
Council Constitution	The constitution sets out how Mid Ulster District Council operates in the delivery of its full suite of functions, how decisions are made and the procedures in place to ensure everything the Council does is efficient, transparent and accountable to all who reside and avail of services within the District.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Council Information	The Council will provide information on the Councils activities and structures. This information includes:  The organisational structure of the Council, location, opening hours of main offices, main activities, development, contact details for services, latest news stories and available grant aid schemes.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Marketing and Communications Tel: 03000 132 132  Democratic Services Tel: 03000 132 132
Elected Members Information	Information and contact details for currently elected members.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Council Committee Structures and Positions of responsibility	Council Committee structures, roles and responsibilities and membership.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Member Allowance Scheme	Rates and Allowances payable to Elected members while undertaking Council business as set out in Appendices 1-6; Part 5 of the Council Constitution.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Attendance Records	Record of attendance of members at Council meetings.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Local Election Results	Election results for Mid Ulster District Council	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Codes and Protocol	Code of Conduct for Elected Members and Officers as set out in Part 4 of the Council Constitution.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Standing Orders	Rules of Procedure for Council. Council Standing	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132

	Orders are set out in Part 3 of the Council Constitution.		
Officers' Management Structure	Documents detailing the structure and functions of each Senior Officer as defined in Part 2; Annex 5 and Part 6 of the Council Constitution.	www.midulstercouncil.org	Organisational Development Tel: 03000 132 132
Job Vacancies	Current job vacancies within the Council	www.midulstercouncil.org	Organisational Development Tel: 03000 132 132

## (ii) What we spend and how we spend it

Category	Type of Information	How it can be Accessed	Contact Details
Annual Statement of Accounts	The Council's financial performance as set out within the explanatory report and statement of income and expenditure prepared in line with the Code of Practice on Local Authority Accounting.	www.midulstercouncil.org	Finance Tel: 03000 132 132
Annual Budgets	Planned Income and Expenditure estimates to provide a range of financial resources to contribute to Mid Ulster's growth for the current financial year.	Available on request	Finance Tel: 03000 132 132
District Rates	The local district rate applicable for households and businesses for the current financial year.	www.midulstercouncil.org	Finance Tel: 03000 132 132
Grading Structure	The Grading Structure of officers within the Council	Available on request	Organisational Development Tel: 03000 132 132
Procurement Procedures	Procedures and guidelines used in the procurement of goods and services.	www.midulstercouncil.org	Procurement Tel: 03000 132 132
Tender Reports	Detail of contracts tendered during the current financial year.	Available on request	Procurement Tel: 03000 132 132
Statutory Returns	The mandatory submission of statutory reports of financial and non-financial information to a government agency	Available on request	Finance Tel: 03000 132 132  Organisational Development Tel: 03000 132 132
Capital Programme	Programme of Mid Ulster District Council Capital activity for the financial year	Available on request	Public Health and Infrastructure Tel: 03000 132 132

### (iii) What our priorities are how we are doing

Category	Type of Information	How it can be Accessed	Contact Details
Annual Report	The Annual Report outlines the main activities undertaken by the Council in the past year.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Corporate Plan	The Corporate Plan sets out the Council's arrangements for embedding a culture of continuous improvement across the Organisation with a special focus on continually improving the delivery of services.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Corporate Improvement Plan	This plan sets out the framework to evidence how the Council is making arrangements to improve and support the continuous improvement in the delivery of its services. It serves as a summary of the Council's in year improvement arrangements.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Strategies and plans for services provided by the Council	Details of the Council's strategies and activities plan for the Council area including information on partnership arrangements with other major stakeholders.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Economic Development Tourism Community Tel: 03000 132 132
Communications Strategy	The Communications Strategy helps the Council to achieve its overall objectives.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Marketing and Communications Tel: 03000 132 132
Complaints Procedures	Information on how to make a complaint about the service, actions or inactions of the Council or its officers as set out within the Customer Service Policy, Part 7 of the Council Constitution.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Marketing and Communications Tel: 03000 132 132  Democratic Services Tel: 03000 132 132

#### (iv) How we make decisions

Category	Type of Information	How it can be Accessed	Contact Details
Schedule of Council & Committee Meetings	A Mid Ulster District Council & Committee Meeting schedule including dates, times and locations.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Council and Committee Agendas and connected reports	In accordance with the Local Government Act (NI) 2014 Council/Committee Meeting Agendas and connected reports will be available in advance.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Council and Committee Minutes	Council minutes and other documents will be open to inspection following ratification.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Planning protocol Councils	Protocol advice and guidance to assist Council with regard to the operation of the Planning Committee	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Planning Tel: 03000 132 132  Democratic Services Tel: 03000 132 132
Scheme of delegation on Planning Matters	Delegation structure on Planning Applications agreed by Mid Ulster District Council following approval by the DOE for NI in accordance with Section 31 of The Planning Act (NI) 2011.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Planning Tel: 03000 132 132  Democratic Services Tel: 03000 132 132
Audio Recordings	Audio recordings of monthly meeting of Council	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Marketing and Communications Tel: 03000 132 132
Summary reports on Consultations	Summary reports of the results of consultations with the public and other stakeholder.	Available on request	Democratic Services Tel: 03000 132 132

#### (v) Our policies and procedures

Category	Type of Information	How it can be Accessed	Contact Details
Council Constitution	The constitution sets out how Mid Ulster District Council operates in the delivery of its full suite of functions, how decisions are made and the procedures in place to ensure everything the Council does is efficient, transparent and accountable to all who reside and avail of services within the District.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Code of Conduct for Councillors	Code of Conduct for Elected Members is set out in Part 4 of the constitution	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132

			Marketing and Communications Tel: 03000 132 132
Standing Orders	Rules of Procedure for Council. Council Standing Orders are set out in Part 3 of the Council Constitution.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Code of Conduct for Officers	Code of Conduct for Officers is set out in Part 4 of the constitution.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Organisational Development Tel: 03000 132 132
Employee and Councillor Working Relationship Protocol	Local Government Protocol to set out the working relationship between Councillors' and Employees of Mid Ulster District Council; part 4 of the constitution.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Organisational Development Tel: 03000 132 132
Planning Protocol	Protocol for the operation of Mid Ulster District Council Planning Committee.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Planning Tel: 03000 132 132
Planning Scheme of delegation	This scheme outlines the delegation of Planning Applications within the Council	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Planning Tel: 03000 132 132
Procurement Procedures	The process to be followed by all staff for procuring goods and services including the procurement thresholds	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Procurement Tel: 03000 132 132
Complaints Procedure	Information on how to make a complaint about the service, actions or inactions of the Council or its officers as set out in the Customer Service Policy, Part 7 of the Council Constitution.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132  Marketing and Communications Tel: 03000 132 132
Records Management	Mid Ulster District Council sets out its approach and procedural arrangements within the Retention and Disposal Schedule and Appendices	Available on request	Democratic Services Tel: 03000 132 132
Equality Scheme	How the Council are committed to effectively fulfil the statutory duties of Section 75 and Schedule 9 of the Northern Ireland Act 1998.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Fees and Charges	Fees and Charges for the access and delivery of Council Services.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Business & Communities Culture & Leisure Environment & Property Finance Organisational Dev Planning Public Health & Infrastructure Tel: 03000 132 132

## (vi) Lists & Registers

Category	Type of Information	How it can be Accessed	Contact Details
Members Register	This register provides information on the name and address of every Member of Council, including Committee Membership and positions of responsibility.  Elected Member information and contact details	Available on request subject to relevant statutory provisions.  <a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Council Scheme of Delegation	The Council Scheme of Delegation is designed to aid the integrated management of the organisation, the effective deployment of resources and the efficient delivery of services.	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Democratic Services Tel: 03000 132 132
Assets Register	A statement of key assets owned by the Council	Available for inspection by appointment	Finance Tel: 03000 132 132
Register of Members Interests	This register provides details of Members Interests	Available on request subject to relevant statutory provisions	Chief Executives Office Tel: 03000 132 132
Register of Disclosure & Declarations of Interests	This register provides information on a pecuniary and non-pecuniary interest declared by Members.	Available on request subject to relevant statutory provisions	Chief Executives Office Tel: 03000 132 132
Register of Gifts and Hospitality	This register provides information on gifts and hospitality declared by Members.	Available on request	Chief Executives Office Tel: 03000 132 132
Council Bye Laws	List of Council bye laws.	Available on request	Public Health and Infrastructure Tel: 03000 132 132
Statutory Returns	Statutory returns to Government Agencies including an Annual monitoring report on the composition of the workforce. This report is required by the Equality Commission NI who publish an annual report of Fair Employment monitoring in key public and private sectors	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	Organisational Development Tel: 03000 132 132  Finance Tel: 03000 132 132



## (vii) The Services we offer

Category	Type of Information	How it can be Accessed	Contact Details
Information for Residents	<p>The Council will provide information to its residents in relation to the following services:</p> <ul style="list-style-type: none"> <li>• Bins and Recycling</li> <li>• Births, Deaths and Marriages</li> <li>• Grants</li> <li>• Dogs and Animal Welfare</li> <li>• Noise</li> <li>• Pollution</li> <li>• Building Control</li> <li>• Off-Street Car Parking</li> <li>• Consumer Protection</li> <li>• Abandoned Cars</li> </ul>	www.midulstercouncil.org	<p>Organisational Development Tel: 03000 132 132</p> <p>Public Health &amp; Infrastructure Tel: 03000 132 132</p> <p>Environment &amp; Property Tel: 03000 132 132</p>
Information for Businesses	<p>The Council will provide information for its local businesses including the following:</p> <ul style="list-style-type: none"> <li>• Broadband Connection Vouchers Scheme</li> <li>• Business Events</li> <li>• Business Funding Opportunities</li> <li>• Jobs</li> <li>• Rural Development</li> <li>• Tenders</li> </ul>	www.midulstercouncil.org	Business & Communities Tel: 03000 132 132
Information for Communities	<p>The Council will provide information for its local community including the following:</p> <ul style="list-style-type: none"> <li>• Fuel Stamp Saving Scheme</li> <li>• Affordable Warmth</li> <li>• Policing &amp; Community Safety Partnership (PCSP)</li> <li>• Good Relations Neighbourhood Renewal</li> <li>• Support for Refugees</li> <li>• Grants</li> <li>• Consumer Protection</li> <li>• Rural Development</li> </ul>	www.midulstercouncil.org	<p>Business &amp; Communities Tel: 03000 132 132</p> <p>Public Health and Infrastructure Tel: 03000 132 132</p>
Information Marketing	The Council will provide Marketing information, including leaflets, guidance, newsletters and media releases.	<p>Media releases www.midulstercouncil.org</p> <p>Other information available on request</p>	Marketing and Communications Tel: 03000 132 132
Things to do	The Council will provide information on Things to do in the Mid Ulster District Council area:	www.midulstercouncil.org	Culture and Leisure Tel: 03000 132 132

	<ul style="list-style-type: none"> <li>• Sport &amp; Leisure</li> <li>• Tourism &amp; Heritage</li> <li>• Arts &amp; Culture</li> <li>• Leisure Centres &amp; Sports Arenas</li> <li>• Outdoor Leisure</li> <li>• Places to visit</li> <li>• Heritage Sites</li> <li>• Tyrone &amp; Sperrins</li> <li>• Lough Neagh</li> <li>• Parks &amp; Open Spaces</li> </ul>		
On-Line Services	<p>The Council will provide information on its online services (this is not a definitive list and will be updated as required):</p> <ul style="list-style-type: none"> <li>• Entertainment Licence</li> <li>• Food Premises Approval</li> <li>• Caravan &amp; Camping Site Licence</li> <li>• Hairdresser and barber Registration</li> <li>• Guard Dog Kennels Registration</li> <li>• Street Trading Licence</li> <li>• Sunday Trading</li> <li>• Tattooing, Piercing, Acupuncture and Electrolysis</li> <li>• Water Cooling Towers and Evaporative Condensers</li> <li>• Register Premises for Weddings</li> <li>• Planning</li> </ul>	<a href="http://www.midulstercouncil.org">www.midulstercouncil.org</a>	<p>Public Health &amp; Infrastructure Tel: 03000 132 132</p> <p>Organisational Development Tel: 03000 132 132</p> <p>Planning Tel: 03000 132 132</p>

## **3.2 Budget and Policy Framework Procedure Rules**

### **3.2.1 The Framework for Decisions**

3.2.1.1 The Council will be responsible for the adoption of its annual budget and policy framework as set out in Article 4. In relation to the annual budget, plans and strategies listed in Article

- a) The adoption of the annual budget, plans and strategies is the responsibility of the full Council
- b) The Chief Executive, as Chief Financial Officer, has responsibility for preparing the draft annual budget, plans and strategies for submission to the full Council;
- c) If the Council wishes to amend or accept the Chief Executive's proposals in relation to the items included in the annual budget, such matters will be considered by the full Council in accordance with the provisions of the Local Government Finance Act (Northern Ireland) 2011; and
- d) Once a budget or policy document has been agreed, it is the responsibility of the Chief Executive and the officers to implement it.

### **3.2.2 Process for Developing the Framework**

3.2.2.1 The budget and policy framework shall be developed by the following process:

- a) The Council shall timetable, primarily through the operation of its Policy and Resources Committee, the process by which officers and Members shall engage to prepare and consider a draft budget and/or policy;
- b) The Chief Executive and officers shall consult with internal and external stakeholders as necessary and have regard to all relevant information, financial, legislative or otherwise, including that provided by the Department of Environment, other central government Departments and other relevant bodies to develop an affordable and practicable budget and/or policy for consideration by the Policy and Resources Committee and the full Council;
- c) The Policy and Resources Committee and/or full Council will consider the draft budget and/or policy proposals submitted for consideration and/or recommended for adoption and may recommend them, amend them, refer them back to the officers for further consideration, substitute alternative proposals in their place or adopt them;
- d) If the Council adopts the Chief Executive's and/or the Policy and Resources Committee's proposals without amendment, the decision shall, subject to any requirement (in the case of policies) for the subject matter to be further consulted upon, become effective immediately or on such date and time as the Council may determine; and

- e) In considering, recommending, amending, referring back to the officers for further consideration, substituting alternative proposals or adopting the Chief Executive's recommended proposals, the Policy and Resources Committee and/or the Council shall have regard to the relevant standing orders in relation to quorum for meetings and procedures for decision making generally.

### **3.2.3 Decisions outside the Budget or Policy Framework**

- 3.2.3.1 Subject to the provisions of Rule 3.2.6 (virement) the Council, Committees, Chief Executive, officers and any joint arrangements that may exist may only take decisions which are in line with the budget and policy framework.
- 3.2.3.2 If any of these bodies or persons wish to take a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may only be taken by the Council, subject to Rules 3.2.4 and 3.2.5 below.
- 3.2.3.3 If any of the bodies or persons wish to make such a decision, they shall take advice from the Chief Financial Officer as to whether the proposed decision would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice received is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 3.2.4 (urgent decisions outside the budget and policy framework) shall apply.

### **3.2.4 Urgent Decisions outside the Budget or Policy Framework**

- 3.2.4.1 The Chief Executive, a Committee of the Council, an officer or joint arrangements may take a decision which is contrary to or not wholly in accordance with the Council's budget and/or policy framework if the decision is a matter of urgency. However, the decision may only be taken if:
  - a) It is impracticable to convene a quorate meeting of the Council; and
  - b) The Chief Executive, or his nominee, agrees that the decision is a matter of urgency. The Chief Executive's, or his nominee's, decision must be committed to writing as soon as practicable.
- 3.2.4.2 The reasons why it is not practicable to convene a quorate meeting of the Council and the Chief Executive's, or his nominee's, consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 3.2.4.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reason for the decision and why the decision was treated as a matter of urgency.

### **3.2.5 Urgent Action**

- 3.2.5.1 Where an urgent action is necessary to protect the interests of Council, or the inhabitants of the District, in connection with a delegated authority, the relevant officer, after consultation with the Chief Executive or his nominee, shall have power to act and shall report the matter to the next available Council meeting.
- 3.2.5.2 Where the relevant officer considers that urgent action is necessary to protect the interests of Council, or the inhabitants of the District, in connection with an undelegated power or a power outside the authorities available to Council, before a meeting of the Council or the relevant Committee can be called, the relevant officer shall, after consultation with and the consent of the Chief Executive or his nominee, have the power to act and shall report the action to the next available meeting of the Council or the relevant Committee.
- 3.2.5.3 Urgent action shall not be subject to the call-in procedure and may be implemented with immediate effect.

### **3.2.6 Virement**

- 3.2.6.1 Actions taken by the Chief Executive, a Committee, an officer or joint arrangements to implement Council policy shall not exceed the budgets allocated to each relevant budget head without the express approval of the Council.
- 3.2.6.2 However, such bodies or individuals shall be entitled to vire across budget headings within such limits as shall be laid down in the Financial Procedure Rules. Beyond these limits, approval to any virement across budget heads shall require the approval of the Council.

### **3.2.7 In-year changes to Budget and Policy Framework**

- 3.2.7.1 Responsibility for agreeing the budget and policy framework rests with Council and decisions by the Council, a Committee of the Council, the Chief Executive, officers or joint arrangements must be in line with the budget and policy framework.
- 3.2.7.2 No changes may be made to any budget, plan or strategy which comprises part of the budget and policy framework by those bodies and individuals except as follows:
- a) Changes which will result in the alteration of method of financing/delivery or service outcomes, closure or discontinuance of a service or part of a service to meet a budgetary constraint
  - b) Changes which are necessary or desirable to react/respond to a

- previously unforeseen/unanticipated situation/opportunity;
- c) Changes which are necessary to ensure compliance with the law, ministerial action or government guidance; or
  - d) Changes in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration or where Council is satisfied that the matter subject to the proposed change is of such significance that it would be impracticable or undesirable for whatever reason for the change to be postponed

### **3.2.8 Call-in of Decisions outside the Budget or Policy Framework**

- 3.2.8.1 Where a Member or Members is (are) of the opinion that a decision is or would be, if made, is contrary to or not wholly in accordance with the Council's budget and policy framework, the Member(s) shall take advice from the Chief Executive.

### **3.2.9 Suspension**

- 3.2.9.1 Provided that it is not contrary to law, these rules may be suspended by the Council, or in so far as they are applicable to any other body or Committee.

### **3.3 Contracts Procedure Rules**

- 3.3.1 Every contract or official order for goods and services made by the Council shall be for the purposes of achieving the Council's statutory and/or approved objectives and shall conform to all relevant legislation in so far as practicable.
- 3.3.2 The Council's Procurement Policy and Procedures shall govern tendering and procurement procedures. The Policy and Procedures will be made available to the Council, relevant committees, the Chief Executive and Directors who will ensure that they are circulated to all staff engaged in the procurement of goods and services. The Chief Executive and Directors shall be responsible for the compliance of all staff involved in procurement with the Policy and Procedures.
- 3.3.3 The Council's Procurement Policy and Procedures seek to deliver best value in the procurement of goods and services. Staff involved in procurement shall ensure that they can demonstrate compliance with the Policy and Procedures by maintaining such documentation as is required by the Policy and Procedures.
- 3.3.4 Nothing in the Procurement Policy and Procedures shall be construed as diminishing individual and/or collective responsibility for the delivery of best value and/or the personal accountability of staff for decisions and actions taken or inaction where relevant.
- 3.3.5 Procurement exercises and contract awards shall be in accordance with the thresholds and procedures detailed in the Procurement Policy and Procedures.
- 3.3.6 The Chief Executive and Directors shall ensure that the Procurement Policy and Procedures are complied with by all staff and that all relevant documentation is appropriately completed, signed, retained and reported on as detailed in the Procurement Policy and Procedures.
- 3.3.7 The Chief Executive and Directors shall ensure that a complete and accurate register of contracts is maintained in accordance with the provisions of the Procurement Policy and Procedures.
- 3.3.8 No Member shall be permitted to become security under any agreement between the Council and any contractor engaged by it.



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Standing Orders

<b>First Approved</b>	Thursday 28 May 2015
Revised and Approved	Thursday 26 May 2016
Revised and Approved	Thursday 26 April 2018
Revised and Approved	Thursday 28 May 2020
Revised and Approved	Thursday 23 September 2021
Revised and Approved	Thursday 16 December 2021
<b>Revised and Approved</b>	Thursday 26 May 2022



## **MODEL STANDING ORDERS FOR COUNCILS**

### Definitions

“2014 Act” means the Local Government Act (Northern Ireland) 2014

“2014 Executive Arrangements Regulations” means the Local Government (Executive Arrangements) Regulations (Northern Ireland) 2014

“2014 Standing Orders Regulations” means the Local Government (Standing Orders) Regulations (Northern Ireland) 2014

“call-in” means a requisition for the reconsideration of a decision as provided for in section 41(1) of the 2014 Act.

### In Standing Order 21

“budget” means the expenditure authorised by a council under section 3 of the Local Government Finance Act (Northern Ireland) 2011;

“clerk” means the clerk to the council appointed under section 41 of the Local Government Act (Northern Ireland) 1972;

“committee” means a committee appointed under section 7 of the 2014 Act;

“delegated authority” means the discharge of a function under authority fixed by a council under section 7 of the 2014 Act;

“decision maker” means the body or person making an executive decision, a decision under delegated authority or a key decision;

“executive” means a cabinet-style executive or a streamlined committee executive as provided for in section 21(2) of the 2014 Act;

“executive decision” means a decision taken by a decision maker in connection with the discharge of a function which is the responsibility of the executive of a council;

“key decision” means a decision under executive arrangements which is likely –

(a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council’s annual budget for the service or function to which the decision relates; or

(b) to be significant in terms of the effects on communities living or working in an area comprising two or more electoral areas in the local government district of the council;

“member” means a member of the council; and

“policy framework” means the policies and procedures agreed by the council in relation to the delivery of a function or functions of the council.

### In Standing Order 23

“2000 Act” means the Political Parties, Elections and Referendums Act 2000;

“member” means councillor;

“nominating officer” in relation to a party, means

- (a) the person registered under the 2000 Act as the party's nominating officers; or
- (b) a member of the council nominated under the 2000 Act for the purposes of Schedule 1 to the 2014 Act; and

“party” means a party registered under the 2000 Act in the Northern Ireland register (within the meaning of that Act).

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## **1. Annual and Monthly Meetings**

(1) In every year that is not a local election year the Council shall hold an Annual meeting in the month of June.

(2) In any year which is a local government election year, the Annual Meeting shall be held within twenty-one days immediately following the election, at such time as the Council may fix at the offices of the Council or at such other place as the Department may direct.

(3) A meeting of the Council for the transaction of general business of the Council shall, subject to any deviation which special circumstances may render desirable, be held on the fourth Thursday of every month. Other meetings of the Council for the transaction of general business shall be held as the Council considers necessary.

(4) Meetings of the Council shall not take place on a Public or Bank Holiday, a Saturday or a Sunday. When the day of a meeting falls on one of these days, the meeting shall be held on the next following weekday instead.

## **2. Time and place of meetings**

The Annual Meeting and other meetings of the Council shall be held at 7pm in the Council Chamber, except where otherwise fixed by statute or by special summons.

## **3. Convening Special Meetings**

(1) The Chair of the Council may call a meeting of the Council at any time.

(2) The Chair of the Council must call a meeting of the Council if a requisition for such a meeting, signed by not less than 5 members, is presented to him/her (Local Government Act 2014, Sch. 5, Sec. 4); and, if he/she refuses to call a meeting on such a requisition or if, without so refusing, he/she does not call such a meeting within the period of seven days from the date of service of the requisition on him/her, any five members, may on that refusal or on the expiration of those seven days call a meeting of the Council.

## **4. Notice and Summons of Meetings**

Three days at least before a meeting or special meeting of the Council, a Committee or Sub-Committee:

(1) notice of the time and place of the intended Meeting shall be published at the offices of the Council. Where the Meeting is called by members, the notice shall be signed by them and shall specify the business proposed to be transacted thereat;

(2) a summons to attend the Meeting, specifying the business proposed to be transacted thereat and signed by the Clerk shall be served on every member at least three days before the meeting. Want of service of this summons shall not affect the validity of a Meeting;

(3) except in the case of business required by statute, or where in the opinion of the Chair of the Meeting the business should be considered by the Meeting as a matter of urgency, no business shall be transacted at a meeting of the Council, a Committee or Sub-Committee other than that specified in the summons relating thereto.

## **5. Chair to be taken**

At each meeting of the Council, the Chair shall be taken at the time for which the meeting is convened, and business immediately proceeded with.

## **6. Chair of Meeting**

(1) At a Meeting of the Council, the Chair of the Council, if present, shall preside.

(2) If the Chair of the Council is absent from a Meeting of the Council, the Deputy Chair of the Council, if present, shall preside.

(3) If neither the Chairperson nor Deputy Chairperson are present at a Meeting of the Council, a member of the Council chosen by the members who are present must preside

(4) If discussion arises on the allocation of the position of Chair, the Clerk shall exercise the powers of the Chair to assist in the regulation of that discussion.

(5) Any power of the Chair of the Council in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

## **7. Quorum**

(1) Subject to sub-paragraph 7.4, no business shall be transacted at a Meeting of the Council unless at least one-quarter of the whole number of members are present.

(2) If during a meeting, the person presiding, after the number of members present is counted, declares that a meeting is inquorate and it is unlikely that there will be a quorum present within a reasonable time, he shall declare the meeting adjourned.

(3) Any uncompleted business on the agenda of a meeting adjourned under Standing Order 7(2) above, shall be tabled for discussion at the reconvened meeting. No business, other than the uncompleted business on the agenda of the meeting adjourned, may be discussed at the reconvened meeting.

(4) Where more than one-quarter of the members become disqualified at the same time then, until the number of members in office is increased to not less than three-quarters of the whole number of members, the quorum of the Council shall be determined by reference to the number of members remaining qualified instead of by reference to the whole number of members.

## **8. Admission to meetings**

(1) Subject to the provisions of this Standing Order, every Meeting of the Council shall be open to the public.

(2) The public and press may attend only in those parts of the Council Chamber provided for their accommodation at meetings of the Council, unless specifically excluded in accordance with the provisions of Standing Order 10; or as required by the Council to comply with provisions in relation to Fire Safety and Health & Safety.

(3) The admission of the public is upon the understanding that they must continue at all times to be seated, and that no expression of opinion or noise of any kind be allowed from them.

(4) At all times during which a Meeting of the Council is open to the public, the Council shall, so far as is practicable, cause to be made available to duly accredited representatives of newspapers, attending for the purpose of reporting proceedings at the meeting, reasonable facilities for taking reports of these proceedings and, on payment by those representatives or their newspapers of any expenses which may be incurred, for transmitting such reports to their newspapers.

(5) Taking photographs of proceedings or the use of any other means by members of the public to enable persons not present to see or hear any proceedings (whether at that time or later) or making of any oral report of any proceedings as they take place shall be prohibited unless expressly permitted by the Council.

(6) The use of social media by member of the council, members of the public or journalists shall be permitted, during those proceedings that are open to the public, to the extent that its use does not disrupt proceedings.

## **9. Record of attendances at meetings**

The names of the members present at a meeting of the Council shall be recorded by the clerk.

## **10. Exclusion of the public**

(1) The public shall be excluded from a Meeting of the Council whenever it is likely that, during the transaction of an item of business, confidential information would be disclosed to them in breach of an obligation of confidence.

(2) The Council may by resolution exclude the public from a Meeting of the Council (whether during the whole or part of the proceedings at the meeting) for such special reasons as may be specified in the resolution being reasons arising from the nature of the business to be transacted or of the proceedings at the Meeting.

(3) The Presiding Chair may at any time during the proceedings, if he/she thinks it necessary to secure order, direct the removal of any individual or group of individuals

from the Council Chamber, or order the Council Chamber to be wholly cleared of members of the public.

(4) The Council, having excluded the public, shall only consider the matter referred to it by the resolution. If it should be deemed necessary to consider any matter not included in the resolution, the public shall be re-admitted and the Chair may ask leave of the Council to take up the consideration of such additional matters as may be deemed desirable.

(5) The Council, having excluded the public, shall not have the power to adjourn its own sittings or to adjourn a debate to a future sitting. If the business referred to in the resolution is not transacted, the Council may be resumed and a member of the Council may move that the Council again exclude the public on a future day to deal with the business specified in the resolution which was not transacted.

(6) If the Council, with the public excluded, has transacted part of the business referred to it, without being able to reach a decision on all the business so referred, a member of the Council may, with leave of the Council, report on the progress to that point and ask the Council's permission to sit again.

(7) When the Council, having transacted business with the public excluded, submits its report to the Council, a motion for its adoption shall then be moved and put. No questions or discussion shall be permitted on the report or the motion for its adoption.

## **11. Deputations**

(1) Deputations, from any source, shall only be admitted to address the Council provided the Clerk has received seven day's notice of the intended deputation and a statement of its objective.

(2) The deputation shall be confined to the presentation of a statement, or copy of resolutions, and shall not make more than two short addresses by any two members of the deputation. The totality of the address shall not exceed 10 minutes.

(3) Deputations should not be repetitive and, where possible, issues of a similar or linked nature should be contained in one deputation. Where a single deputation with a presentation has been made, the Council may decline to accept another deputation on the same issue from the same individual or group for a period of six months.

## **12. Order of Business**

Subject to any statutory requirements to the contrary, the order of business at every meeting of the Council shall be as follows:

- a) confirmation of the Minutes of the last stated Meeting and of all adjourned meetings and special meetings held since the last stated Meeting;
- b) declaration of members interests;
- c) matters arising;
- d) deputations;
- e) business required by statute to be transacted at the Meeting;
- f) adoption of the minutes of the proceedings of any committees and

- consideration of reports, if any, from such committees;
- g) reports of officers, public bodies, agencies etc, if any, may be considered and such orders given thereon as may be deemed necessary;
  - h) reports on decisions/recommendations subject to the reconsideration procedure;
  - i) other Reports;
  - j) correspondence and matters not already dealt with;
  - k) sealing of documents; and
  - l) consideration of motions of which due notice has been given, in the order in which they have been received.

### **13. Minutes of the Council**

#### **13.1 Keeping of; as evidence; etc**

- (1) Minutes of the proceedings of a Meeting of the Council, or of a committee or sub-committee, shall be drawn up and entered in a bound book kept for that purpose.
- (2) No discussion shall take place upon the Minutes except upon their accuracy.
- (3) Any minute purporting to be signed as mentioned in sub-paragraph (1) shall be received in evidence without further proof.
- (4) Until the contrary is proved, a Meeting of the Council or of a committee or sub-committee thereof in respect of the proceedings of which a minute has been so made and signed shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee or sub-committee, the committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

#### **13.2 Signing of**

The Minutes of a Meeting of the Council shall be signed at the next ensuing Meeting of the Council by the Chair presiding, if approved by the meeting at which they fall to be signed.

### **14. Submission of Minutes**

- (1) In order to give sufficient time for the printing of the minutes and for their perusal by the members of the Council, minutes of meetings of a committee held later than seven clear days before the meeting of the Council shall not be submitted to that meeting for approval. This may be disapplied where a committee considers the matter to be of extreme urgency and records such a decision in its minutes.
- (2) It shall be the duty of a committee, through the Chair or his/her representative, when its minutes are submitted for approval, to call the attention of the Council to any resolution or matter of an unusual or special character contained therein.

### **15. Minutes of Committees**



(1) A motion or amendment shall not be made or proposed, or any discussion allowed on the proceedings of committees with reference to any matter within the remit of a committee which does not appear on the minutes submitted to the Meeting of the Council.

(2) Any member wishing to raise an issue regarding any matters appearing in the minutes submitted to the Council for approval and who states his/her request in writing to the Chair of the committee forty-eight hours before the commencement of the Meeting of the Council shall be entitled to a reply when the proceedings of the particular committee are submitted for approval.

(3) A reply to an issue raised at the meeting regarding any matter in the minutes, without written notice, shall be at the discretion of the Chair of the committee.

(4) Any matter in the minutes of a committee on which a request for reconsideration, under section 41 of the 2014 Act, has been lodged with the clerk of the Council shall be identified, and may not be the subject of discussion at that meeting.

## **16. Motions**

(1) Every motion shall be relevant to some matter:

i) in relation to which the Council:

a) has power or duties;

b) is not prevented from taking action on by other legislation;

ii) which directly affects the local government district or its residents; and

iii) for which the Council is legally competent.

### **16.1 On notice**

(1) Notice of every motion, other than a motion which under Standing Order 16.2 may be moved without notice, shall be given to the Clerk not later than at least seven clear days before the next Meeting of the Council. The motion must be clear in meaning otherwise it shall be rejected until such time as it is resubmitted in clear language, and not later than seven clear days before the meeting.

(2) A motion shall be rejected if the wording or nature of the motion is considered unlawful or improper.

(3) All notices shall be dated and numbered as received, and entered in a register to be kept for that purpose. This register shall be open to inspection by every Member of the Council.

(4) Notices of motion shall be entered by the Clerk in their proper place upon the Summons Paper in the order in which they are received.

(5) If a motion set out in the Summons is not moved either by a member who gave notice, or by some other member on his behalf, it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

(6) If the subject matter of any motion of which notice has been properly given comes within the remit of any committee it shall, upon being moved and seconded, stand

referred without discussion to that committee, or to such other committee as the Council may determine, for consideration and report. The Chair presiding may, if he/she considers it urgent and necessary to the dispatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

(7) If a notice of motion fails to be considered at a Meeting of the Council, such notice of motion will only be included on the Summons Paper for the following meeting if submitted in writing to the Clerk by the member concerned not later than seven clear days, at least, before the Council meeting.

(8) Any notice of motion which fails to be considered at two consecutive meetings will not be accepted for inclusion on the Summons Paper for a period of six months from the date of the second meeting at which the matter has failed to be considered.

## 16.2 Without notice

The following motions may be moved without notice:

- a) to appoint a Chair of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or members thereof arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions flowing from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend Standing Orders, in accordance with Standing Order 30.1;
- n) to exclude the public and press in accordance with section 42 of the 2014 Act;
- o) to not hear further a member named under Standing Order 25.3 or to exclude them from the meeting under Standing Order 25.4.

## **17. Amendments**

(1) When a motion is under debate at any meeting of the Council, an amendment or further motion shall not be received, with the exception of the following:

- a) to amend the proposal; or
- b) that the Council do now adjourn; or
- c) that the debate be adjourned; or
- d) that the question be now put; or
- e) that the Council do proceed to the next business.

### **17.1 To amend the Proposal**

(1) An amendment must be legitimate and within the scope of the notice convening the meeting. It must not be a direct negative; must be relevant to the proposal which it seeks to amend, and not inconsistent with anything already agreed upon at the same meeting. An amendment must relate solely to the proposal which it seeks to amend, and not be, in effect, a new proposition on a different matter, and must not place a greater responsibility on the meeting than the original proposal.

(2) An amendment to a motion shall be either:

- a) to refer a subject of debate to a committee or to an officer for consideration or re-consideration;
- b) to leave out words;
- c) to leave out words and insert or add others; or
- d) to insert or add words

but such omission, insertion or addition of words shall not have the effect of directly negating the Motion before the Council.

(3) When an amendment upon an original proposal has been moved, the question to be put shall be "That the amendment be made". Where any amendment is agreed, the question to be put shall be "That the proposal, as amended, be agreed". Where any amendment is rejected the question of the substantive proposal shall be put.

### **17.2 That the Council Do Now Adjourn**

(1) Any member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the Council do now adjourn". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal, which shall be put to the vote without debate.

(2) In the event of the proposal for the adjournment being carried, the Chair shall (unless stated in the proposal) fix the date for the adjourned meeting for the continuation of the debate on the proposal or amendment under discussion at the time of the adjournment, and for the transaction of the remaining business (if any) on the Agenda for the meeting so adjourned.

(3) A second proposal "that the Council do now adjourn" shall not be made within half-an-hour unless, in the opinion of the Chair, the circumstances are materially altered.

### **17.3 That the Debate be Adjourned**

(1) Any member of the Council who has not already spoken to the proposal or amendment then under debate may move "that the debate be adjourned". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.

(2) Before putting to the meeting a proposal "that the debate be adjourned", the Chair presiding shall call on the mover of the proposal or amendment under discussion to reply on the question of adjournment and, after such reply, which will not prejudice the right of the mover of a proposal to reply on the original question, shall put the proposal for adjournment of the debate to the vote without further debate.

(3) If the proposal be carried, the Council shall proceed to the next business on the agenda, and the discussion of the adjourned debate shall be resumed at the next meeting of the Council unless a special meeting of the Council shall be called for the purpose.

(4) On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first. A second proposal "that the debate be adjourned" shall not be made within half-an-hour. A member shall not move or second more than one proposal for the adjournment of the same debate.

#### **17.4 That the Question Be Now Put**

(1) Any member who has not already spoken to the proposal or amendment then under debate may move "that the question be now put". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding it.

(2) If the Chair is of the opinion that the subject before the Council has been sufficiently discussed, he shall put the proposal "that the question be now put" to the vote without debate and if same is carried, the proposal or amendment under discussion shall be put to the Council.

(3) A second proposal "that the question be now put" shall not be made on the discussion of the same question within half-an-hour.

(4) A member shall not move or second more than one proposal "that the question be now put" on the discussion of the same question.

#### **17.5 That the Council Do Now Proceed to the Next Business**

(1) Any member of the Council who has not already spoken to any proposal or amendment then under debate may move, "that the Council do proceed to the next business". Such a proposal must be seconded, but it need not be reduced to writing. The mover and seconder shall not speak beyond formally moving and seconding the proposal which shall be put to the vote without debate.

(2) If the Chair is of the opinion that the subject before the Council has been sufficiently discussed, he shall put the proposal "that the Council do proceed to the next business" to the vote without debate and if same is carried the proposal or amendment under discussion shall be put to the Council.

(3) When a proposal is carried "that the Council do proceed to the next business", the question under discussion shall be considered as dropped.

(4) A second proposal "that the Council do proceed to the next business" shall not be made on the same question within half-an-hour.

(5) A member shall not move or second more than one proposal "that the Council do proceed to the next business" on the discussion of the same question.

## **18. Amendments to Regulatory Decisions**

- (1) No amendment may be moved to a minute which is a Regulatory Decision.
- (2) For the purposes of these Standing Orders, a Regulatory Decision is a determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal, or enforcement action in exercise of powers of the Council as the local planning authority [or those powers specified in Executive Arrangements Regulations]; or any application for which the Council is the licensing authority.

## **19. Rules of Debate**

### **19.1 Motions and amendments to be reduced to writing and seconded**

- (1) A Motion or Amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Standing Order 16.1, it shall, if required by the Chair presiding, be put into writing and handed to the Chair presiding before it is further discussed or put to the meeting.
- (2) A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

### **19.2 Alteration of motion**

- (1) A Member may alter a motion of which he/she has given notice as proposed with the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (3) Only alterations which could be made as an amendment may be made.

### **19.3 Withdrawal of motion**

- (1) A Member may withdraw a motion of which he/she has given notice under Standing Order 16.1 at any time after the meeting has commenced provided that he/she has not moved the motion or spoken on it and has the consent of the meeting. The meeting's consent will be signified without discussion.
- (2) A Member may withdraw any other motions which he/she has moved with the consent of both the meeting and seconder. The meeting's consent will be signified without discussion.
- (3) No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **19.4 Mode of address**

Members may address the Council's Chair by standing or remaining seated. While a Member is speaking, the other members shall remain seated unless rising to a point of order or in personal explanation.

A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order.

#### **19.5 Precedence in speaking**

Whenever two or more members rise together to speak, the Chair shall decide who has precedence.

#### **19.6 Place of member speaking**

A member when addressing the Chair shall remain in the place allocated to him/her in the Council Chamber.

#### **19.7 Member called to order**

If any member, while speaking, be called to order, he/she shall resume his/her seat and shall not again address the Council until the Chair has disposed of the question of order.

#### **19.8 Definition of point of order**

A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the member shall specify the Standing Order or provision and the way in which he/she considers it has been broken.

#### **19.9 Member may raise a point of order**

A member may raise a point of order and shall be entitled to be heard immediately.

#### **19.10 Ruling of Chair on point of order**

The ruling of the Chair on a point of order shall not be open to discussion.

#### **19.11 Member to speak to motion**

A member who speaks shall direct his/her speech strictly to the Motion under discussion, or an amendment thereof.

#### **19.12 Member shall not speak more than once**

A member who has spoken on any Motion shall not speak again whilst it is the subject of debate, except:

- a) to speak once on an amendment moved by another member;
- b) if the Motion has been amended since he/she last spoke, to move a further amendment;
- c) if his/her first speech was on an amendment moved by another Member to speak on the main issue whether or not the amendment on which he/she spoke was carried;
- d) in the exercise of a right to reply given by Standing Order 19.9;
- e) on a point of order.

### **19.13 Duration of speeches**

Except with the permission of the Council, a member, in introducing a Motion, shall not speak for more than ten minutes and in replying, for more than five minutes.

### **19.14 Addressing the Council**

The Council during its sitting, shall not, unless with the consent of the Council, be addressed by any person who is not a member of the Council.

### **19.15 Only one motion / amendment may be moved and discussed at a time**

(1) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(2) If an amendment is not carried, other amendments to the original motion may be moved.

(3) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

### **19.16 When a motion is under debate no other motion shall be moved**

When a Motion is under debate no other Motion shall be moved except the following:

- a) to amend the motion;
- b) to adjourn the meeting;
- c) to adjourn the debate;
- d) to proceed to the next business;
- e) that the question be now put;
- f) that a Member be not further heard;
- g) by the Chair under Standing Order 25.4, that a Member do leave the meeting.

### **19.17 Chair rising during debate**

Whenever the Chair rises or otherwise calls the meeting to order during a debate, a Member then speaking shall cease and the Council shall be silent.

### **19.18 Chair not to receive motion for direct negative**

The Chair shall not receive a Motion for a direct negative to a question but, on the conclusion of the debate, the question shall be put and resolved in the affirmative or negative.

### **19.19 Mover's right of reply**

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his amendment.

## **20. Voting**

### **20.1 Majority**

Subject to any statutory provisions to the contrary, any matter will be decided by a simple majority of those members present and voting.

### **20.2 Chair's casting vote**

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

### **20.3 Qualified majority [MANDATORY]**

A qualified majority shall be required in relation to a council's decision on:

- (a) the adoption of executive arrangements or prescribed arrangements as the council's form of governance (section 19 of the 2014 Act);
- (b) the method to be adopted for filling positions of responsibility (Schedule 1 of the 2014 Act);
- (c) the method to be adopted for appointing councillors to committees (Schedule 2 of the 2014 Act);
- (d) a call-in made in accordance with section 41(1)(b) of the 2014 Act; and
- (e) the suspension of standing orders, other than Standing Orders 20.3, 21, 22 and 23, which cannot be suspended.

### **20.4 Show of hands**

Unless a ballot or recorded vote is demanded under Standing Order 20.5, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **20.5 Recorded vote**

If, before a vote is called, any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

## **21 'Call-in' Process [MANDATORY]**

### **21.1 Decisions subject to call-in**

- (1) The following decisions may be subject to call-in in such manner as is specified in these standing orders:
- (a) a decision of the Council
  - (b) a decision of the executive;
  - (c) an executive decision taken under joint arrangements in accordance with section 26 of the 2014 Act;
  - (d) a key decision taken by an officer or officers of the council;
  - (e) a decision taken by a committee under delegated authority in accordance with section 7 of the 2014 Act; and
  - (f) a decision taken by a committee to make a recommendation for ratification by the council.



- (2) The following decisions shall not be subject to call-in:
- (a) a decision which is deemed to be a case of special urgency in accordance with regulation 26 of the 2014 Executive Arrangements Regulations;
  - (b) a decision where an unreasonable delay could be prejudicial to the council's interests, the public's interests and in urgent situations for emergency responses.
  - (c) a decision taken by an officer or officers which is not a key decision;
  - (d) a decision by the executive which serves only to note a report from or the actions of an officer or officers.

(3) No decision shall be subject to call-in more than once for each of the reasons specified in section 41(1) of the 2014 Act.

## 21.2 Call-in procedure

(1) A call-in must be submitted in writing to the clerk by 10am on the fifth working day following:

- (a) in the case of a decision of the council, the date of the Council meeting at which the decision was taken; and
- (b) in the case of a decision of a committee, the date on which the decision to which the call-in relates was published

(2) If a call-in received after the relevant period specified in paragraph (1), it must be deemed inadmissible.

(3) A call-in shall:

- (a) specify the reasons why a decision should be reconsidered; and
- (b) subject to sub-paragraph (5) of this standing order, be deemed to be inadmissible if the reasons are not specified.

(4) In the case of a call-in submitted under section 41(1)(b) of the 2014 Act, members must state in the reasons specified under sub-paragraph (2) of this standing order:

- (a) the community that would be affected by the decision; and
- (b) the nature and extent of the disproportionate adverse impact.

(5) Within one working day of receipt of a call-in, the clerk must confirm that:

- (a) it has the support of 15 per cent of the members of the council; and
- (b) the reasons for the call-in have been specified.

(6) Where the reasons have not been specified on the requisition the clerk must notify the members making the requisition that it must be considered inadmissible if reasons are not specified in writing within the specified deadline.

(7) Where an admissible call in of a council decision has been received under section 41(1)(a) of the 2014 Act, the clerk must include the decision on the agenda for reconsideration at the next available meeting of the council, at which it will be taken by a simple majority.

(8) Within two working day of receipt of an admissible call-in submitted under section 41(1)(b) of the 2014 Act, the clerk must seek the opinion of a practicing solicitor or barrister in accordance with section 41(2) of the 2014 Act.

(9) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act confirms that the call-in has merit, the clerk must:

- (a) furnish the opinion to members; and

(b) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a qualified majority.

(10) Where the legal opinion obtained in accordance with section 41(2) of the 2014 Act indicates that the call-in does not have merit, the clerk must:

(a) furnish the opinion to members; and

(b) include the decision on the agenda for the next available meeting of the council, at which it will be taken by a simple majority.

### 21.3 The call-in process: committee arrangements

(1) For the purposes of reconsideration of a decision pursuant to a call-in the minutes of a committee which record a decision:

(a) taken under delegated authority; or

(b) for ratification by the council

must be published within five working days of the conclusion of the meetings. That date of publication must be regarded as the date of publication for the purposes of a call-in.

(2) If a call-in is not received by the deadline specified in paragraph 4(1) of this standing order, the decision specified in:

(a) paragraph 5(1)(a) of this standing order must be implemented; or

(b) paragraph 5(1)(b) of this standing order must be tabled for ratification by the council.

(3) The tabling for ratification of a decision specified in paragraph 5(1)(b) of this standing order, or the implementation of a decision specified in paragraph 5(1)(a) of this standing order, must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision maker may rescind the decision at any time prior to the call-in being resolved.

(4) If an admissible call-in is made in accordance with paragraph 4(2) of this standing order and section 41(1)(a) of the 2014 Act, the council must appoint an ad hoc committee of the council, the membership of which will be:

(a) the Chairs of all committees of the council; and

(b) the deputy Chairs of all committees of the council to consider the process adopted by the decision-making committee.

(5) The Chair and deputy Chair of the committee which was responsible for the decision which is the subject of the call-in must not have voting rights at a meeting of the committee appointed in accordance with sub-paragraph (4) of this standing order.

(6) The members who submitted the call-in, or a member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chair, address the meeting, but must not have voting rights.

(7) A committee appointed in accordance with sub-paragraph (4) of this standing order may:

(a) refer the decision back to the decision maker;

(b) in the case of a decision taken under delegated authority, support the decision; or

(c) in the case of a decision for ratification by the council, refer the decision to the council.

- (8) Where a decision has been supported in accordance with sub-paragraph (7) of this standing order, that decision must:
- (a) be approved;
  - (b) be inserted in the Register of Decisions; and
  - (c) become operative from the date of the meeting at which the committee appointed in accordance with sub-paragraph (4) of this standing order confirmed support for the decision.

#### **21.4 The call-in process: executive arrangements**

- (1) The proper officer must, within two working days of the production of a statement in accordance with regulations 28 and 29 of the 2014 Regulations, submit to the council a notice detailing the decision(s) recorded in the statement.
- (2) The notice prepared in accordance with sub-paragraph (1) of this standing order must specify:
- (a) those decisions that are not subject to call-in;
  - (b) the deadline for receipt of a call-in; and
  - (c) the overview and scrutiny committee, as determined by the proper officer, that will consider a call-in in accordance with section 41(1)(a) of the 2014 Act.
- (3) If a call-in is not received in respect of a decision, that decision may be implemented after the deadline expires.
- (4) If a call-in is received which specifies that the decision was not taken in accordance with the budget or policy framework agreed by the council the call-in must be referred to the council for decision.
- (5) The implementation of a decision must be postponed (unless the total level of support for the call-in falls below 15 per cent of the members) until the call-in has been resolved. The decision-maker may rescind the decision at any time prior to the call-in being resolved.
- (6) The clerk must place a call-in on the agenda of the overview and scrutiny committee specified in the notice prepared in accordance with subparagraph (2) of this standing order. The overview and scrutiny committee must meet within 5 working days of receipt of the call-in. More than one call-in may be considered at a meeting of an overview and scrutiny committee.
- (7) Subject to sub-paragraph (7) of this standing order, the consideration of a matter under sub-paragraph (5) of this standing order by an overview and scrutiny committee may be adjourned, provided that:
- (a) the Chair presiding at the meeting; and
  - (b) the Chair of the executive agree a date for the continuation of the meeting.
- (8) A meeting convened in accordance with sub-paragraph (5) of this standing order may only be adjourned under sub-paragraph (6) in order to:
- (a) allow for additional information to be obtained; or
  - (b) permit additional witnesses to attend.
- (9) The members who submitted the call-in, or a member on their behalf, must be invited to attend the meeting at which the decision subject to the call-in is considered and may, upon the request of the Chair, address the meeting, but must not have voting rights.

(10) In response to a call-in made in accordance with section 41(1)(a) of the 2014 Act, an overview and scrutiny committee may:

- (a) support the decision; or
- (b) refer the decision, along with the recommendation of the overview and scrutiny committee, back to the decision maker.

(11) Where a decision has been supported in accordance with sub-paragraph (9) of this standing order, that decision must:

- (a) be approved;
- (b) be inserted in the Register of Decisions; and
- (c) become operative from the date of the meeting at which the overview and scrutiny committee confirmed support for the decision.

(12) Where a decision has been referred back to a decision maker in accordance with sub-paragraph (9)(b) of this standing order, the decision maker must:

- (a) consider the recommendation of the overview and scrutiny committee; and
- (b) reconsider the original decision.

## **22 Positions of responsibility, etc. – Time Limits [mandatory]**

(1) Subject to sub-paragraph (2) of this standing order, in relation to positions of responsibility selected in accordance with paragraphs 2(1) and 2(2) of Schedule 1 to the 2014 Act, the period specified for:

- (a) the nominating officer to select a position of responsibility and the term for which it must be held; and
- (b) the person nominated to accept the selected position is 15 minutes.

(2) An extension to the period specified in sub-paragraph (1) of this standing order may be granted subject to the approval of the council. Such an extension may be requested by:

- (a) the nominating officer;
- (b) the person nominated to hold the selected position; or
- (c) another member.

## **23 Appointment of more than one committee [MANDATORY]**

(1) Where the Council appoints more than one committee at the same meeting in accordance with paragraph 5 of Schedule 2 to the 2014 Act, for the purposes of determining the number of places that must be allocated across the parties and independent members of the Council, it must agree:

- (a) the number of committees to be appointed; and
- (b) the number of councillors that shall constitute the membership of each committee.

(2) The total number of places to which a nominating officer of a party may nominate members who stood in the name of that party when elected must be calculated in accordance with paragraphs 2 to 4 of Schedule 2 to the 2014 Act and any resolution of the Council made thereunder.

(3) A nominating officer's function under paragraph 2(1)(b) of Schedule 2 to the 2014 Act shall be exercised in such manner as to ensure that:

- (a) all members of a committee are not nominated by the same nominating officer;

(b) a nominating officer of a party may nominate members who stood in the name of that party to fill the majority of places on a committee, if the majority of members stood in the name of that party; and

(c) subject to (a) and (b), the number of members nominated by each nominating officer of a party, in so far as far as is reasonably practicable, bear the same proportion to the number of places on that committee as is borne by the number of members who stood in the name of that party.

(4) Nominations made in accordance with sub-paragraph (3) of this standing order shall take into account any positions of responsibility on a committee held by a member who stood in the name of a party.

## **24 Rescission of a preceding resolution**

(1) No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months, shall be proposed by a member unless the notice thereof given in pursuance of Standing Order 16.1 bears the names of at least 15% of the members of the Council.

(2) When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion within a further period of six months.

(3) This Standing Order shall not apply to motions moved in pursuance of a recommendation of a committee [or a Call-in]

## **25 Members conduct**

### **25.1 Addressing the Meeting**

When a member speaks at the Council they may remain seated or stand to address the meeting through the Chair. If more than one member stands, the Chair will ask one to speak and the others must sit, should they be standing when addressing the meeting.

### **25.2 Chair standing**

When the Chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **25.3 Member not to be heard further**

If at a meeting any Member of the Council, misconducts himself/herself by persistently disregarding the ruling of the chair, or by behaving irregularly, improperly or offensively or by willfully obstructing the business of the Council, the Chair or any other Member may move "that the Member named be not further heard". The Motion, if seconded, shall be put and determined without discussion.

### **25.4 Member to leave the meeting**

If the Member named continues to behave improperly after such a motion is carried, the Chair or any other Member may move that either the member leaves the meeting or that

the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **25.5 General disturbance**

When the Chair is of the opinion that the due and orderly dispatch of business is impossible, he/she in addition to any other powers vested in him/her may, without question put, adjourn the meeting of the Council for such period as he/she in his/her discretion shall consider expedient.

## **26 Disturbance by public**

### **26.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

### **26.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

## **27 Committees**

### **27.1 Appointment of Committees**

The Council shall at the annual meeting appoint such Committees as it is required to appoint under any statute or any Standing Order and may appoint at any time such other Committees as are necessary to carry out the work of the Council.

Subject to any statutory provision in that behalf the Council shall not appoint any member to a Committee so as to hold office later than the next annual meeting of the Council.

### **27.2 Committees**

The following Committees shall be appointed:

- (a) Audit Committee - up to eight elected members
- (b) Policy and Resource Committee – up to 16 elected members
- (c) Environment Committee – up to 16 elected members
- (d) Development Committee – up to 16 elected members
- (e) Planning Committee – up to 16 elected members.

### **27.3 Duties of Committees**

The Committees shall have charge of and be responsible to the Council for the undertakings and matters outlined within the constitution.

#### **27.4 Standing Orders of Committees**

All Standing Orders of the Council shall, where appropriate and with necessary modification, apply to Committee and Sub-Committee meetings.

#### **27.5 Quorum at Committees and Sub Committees**

Except where authorised by a statute or ordered by the Council, business shall not be transacted at a meeting of any Committee or Sub Committee unless at least one third of the whole number of the Committee is present.

#### **27.6 Day and Hour of Committee Meetings**

Each Committee may from time to time fix its own day and hour of meeting and shall notify the Council accordingly.

#### **27.7 Special Meetings of Committees**

The Chair of the Council or of a Committee may call a special meeting of a Committee at any time. Subject to any statutory provision in that behalf a special meeting shall also be called on the requisition of not less than three members of the Committee, delivered in writing to the Clerk, provided always that no two Committees shall sit at the same time.

#### **27.8 Sub-Committees**

Each Committee may appoint Sub-Committees for specific purposes. A Sub-Committee shall meet as often as necessary for the transaction of the business for which it was appointed. The minute of the Sub-Committee shall, whether appointed under this Standing Order or otherwise, be submitted to the parent Committee for confirmation previous to being brought before the Council.

#### **27.9 Attendance at Committees and Sub-Committees**

Every member of the Council may attend meetings of any Committee or Sub-Committee and shall be heard on any matter but shall not, unless they are a member of the Committee or Sub-Committee vote on any matter or propose any resolution or amendment.

#### **27.10 Inspection of Documents**

A member of the Council may, for purposes of their duty but not otherwise, on application to the Clerk, inspect any document which has been submitted to a Committee or to the Council and shall, on request, be supplied for the like purposes with a copy of such a document. Provided that a member shall not knowingly inspect and shall not call for a copy of any such document which relates to a matter in which they are professionally interested or in which they have directly or indirectly any pecuniary interest as defined in the Councillors Code of Conduct and that this Standing Order shall not preclude the Clerk from declining to allow inspection of any document which is, or in the event of legal proceedings, would be protected by privilege.

Subject to any statutory provision in that behalf, no member of the Council shall, without the consent of the Council, be entitled to inspect any document in the custody of any

officer of the Council if, in the opinion of that officer and of the Clerk, the document is of a confidential nature.

## **28 Planning Committee Protocol**

Members shall make reference to and observe the protocol resolved by Council for the regulation and transaction of Planning Committee business. The protocol is detailed in Annex A.

## **29 Council Seal**

### **29.1 Sealing of Documents**

The Common Seal of the Council shall not be affixed to any document unless the sealing has been authorised by a resolution of the Council or of a Committee having lawful powers or to which the Council have delegated their powers in this behalf.

### **29.2 Record of Documents Sealed to be Kept**

Where the Common Seal shall have been affixed at any meeting of the Council and entry of the sealing of every deed and other document shall be made in the minutes of the Meeting of the Council at which the affixing of the Seal took place.

A record of all documents sealed shall be kept in a book containing particulars of such documents and signed by the Chair and Clerk who attested the sealing.

## **30 Suspension and amendment of Standing Orders**

### **30.1 Suspension**

A member may move a motion for the suspension of one or more of these Council Standing Orders. A motion under this Standing Order shall require the support of a qualified majority vote within the meaning of section 40 of the 2014 Act. Suspension can only be for the duration of the meeting. The Minutes of the meeting must record the reason for the suspension. Mandatory standing orders may not be suspended by a council.

### **30.2 Amendment**

Any motion to, add to, vary or revoke these Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council. The mandatory standing orders may not be added to, varied or revoked by the Council.

## **31 Interpretation of Standing Orders**

The ruling of the Chair as to the interpretation, construction or application of any of these Standing Orders or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.



PROTOCOL FOR  
THE OPERATION  
MID ULSTER  
DISTRICT COUNCIL  
PLANNING  
COMMITTEE

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## **PURPOSE OF THE PROTOCOL**

1. A protocol for the operation of Planning Committees was drafted by the Department of Environment in January 2015. Mid Ulster District Council (MUDC) has reviewed this document and has amended it to suit the needs of MUDC in the following way.
2. The purpose of the protocol for MUDC Planning Committee is to ensure that planning decisions are consistently taken, and are seen to be taken, in a fair and equitable manner. The protocol offers guidance for Councillors', applicants, agents and the general public
3. The protocol is not intended to change or alter the Standing Orders which apply to all Committee's or the Councillors' Code of Conduct.

## **REMIT OF THE PLANNING COMMITTEE**

### ***Development management***

4. One of the main functions of the planning committee is to consider applications made to the Council which are either major in scale, complex or controversial as set out in the adopted Scheme of Delegation, and decide whether or not they should be approved. In order to ensure that decisions are taken at the appropriate level, the decisions of the planning committee are taken under full delegated authority and the decisions of the committee will therefore not normally go to the full council for ratification.

### ***Development Plan***

5. The local development plans for the Mid Ulster district currently comprise the Cookstown Area Plan, the Dungannon and South Tyrone Area Plan and the Magherafelt Area Plan. These will remain the statutory development plans until replaced by the Mid Ulster Local Development Plan (LDP). The Department of Environment planning policies will also be retained as set out in the Planning Policy Statements and Strategic Planning Policy Statement, until such times as new policies are brought forward and adopted in the LDP.
6. Section 8 of the Planning Act (NI) 2011 requires MUDC to prepare a LDP which will comprise a plan strategy and a local policies plan. The strategy will set out the objectives of MUDC in relation to the development land in the district, and the strategic policies for the implementation of those objectives. After the plan strategy has been adopted, a local policies plan will be prepared. This will set out the policy agreed by

MUDC in relation to what type and scale of development is appropriate and where it should be located.

7. The local development will form the basis for public and private investment decisions, providing a degree of certainty as to how land will be developed. In law, planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise. Therefore, where land is zoned for a particular use, the MUDC Planning Committee should ensure it is reserved for that use: for example, an application for housing in an area zoned for housing should be approved unless the design and layout fails in terms of the environmental, open space and access standards, or its design and layout has a detrimental impact on the character of the area or neighbouring amenity.
8. The MUDC Planning Committee will approve the local development plan before it is passed by resolution of the full council. The Planning Committee will also ensure that the local development plan is monitored annually, particularly in terms of the availability of housing and economic development land, and that it is reviewed every five years, giving consideration to whether there is a need to change the plan strategy or the zonings, designations and policies as contained in the local policies plan.

#### **SIZE OF COMMITTEE**

9. The MUDC Planning Committee consists of 16 elected members.

The Planning Manager and/or the Head of Development Management or Head of Development Plan and Enforcement will attend planning committee meetings as appropriate.

#### **FREQUENCY OF MEETINGS**

10. The Planning Committee will meet at least once every calendar month. Additional meetings will be at the discretion of the Chair of the Committee with the consent of the Committee members. Dates for Planning Committee meetings are published on the Council's website.

#### **SCHEMES OF DELEGATION**

11. There are two Schemes of Delegation. One relating to planning applications which is prepared under Section 31 of the Planning Act (Northern Ireland) 2011. The other scheme

deals with planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations and is prepared under Section 7 (4) (b) of the Local Government Act 2014. The purpose of the Schemes of Delegation is to set out those decisions which shall be made by the Planning Committee and those which are the responsibility of the Planning Manager. The Planning Manager is responsible for determining the vast majority of applications, however these tend to be applications that are smaller in scale, local in character and uncontroversial. Whereas the Planning Committee resolves those applications which are either major in scale, subject to dispute or could give rise to a conflict of interest. The MUDC Schemes of Delegation for the Planning function are available to view at [www.midulstercouncil.org](http://www.midulstercouncil.org) . The Scheme of Delegation will be reviewed on a regular basis, normally annually.

## **ENFORCEMENT**

12. The planning Committee will determine when an enforcement notice should be served and other enforcement decisions as laid down in the Scheme of Delegation. In addition to those cases presented to the Planning Committee for decision, a monthly report from officers on the enforcement performance (number of cases opened, cases closed, notices issued and convictions obtained) will be provided to members.
13. Enforcement matters will be discussed in the closed section of the Planning Committee meeting (i.e. In Committee) to ensure MUDC complies with the provisions of the Data Protection Act and to ensure that future legal proceedings are not prejudiced.
14. An enforcement strategy, detailing how enforcement action will be dealt with, was agreed by the Planning Committee on 19<sup>th</sup> January 2016. This is available on the Council website.

## **REFERRAL OF DELEGATED APPLICATIONS TO THE PLANNING COMMITTEE**

15. The Scheme of Delegation agreed by MUDC includes the provision for members (including those not on the Planning Committee) to request, where they consider it appropriate, that an application which would normally fall within the Scheme of Delegation, to be referred to the Planning Committee for determination. In addition, the Planning Manager can also refer any matter which he considers suitable for determination by the Planning Committee. Members of the public cannot directly request that an application be referred to the Planning Committee. Any referral request **must** be made in writing.

## **FORMAT OF PLANNING COMMITTEE MEETINGS**

16. MUDC will operate its Planning Committee in line with its approved standing orders. In doing so, the following procedural arrangements will apply:
- the planning office will prepare a weekly list, which will be circulated to all members, of all valid applications that have been received;
  - all planning committee members will be sent the agenda at least 5 days in advance of the meeting with a report on each application to be decided;
  - if necessary, officers will prepare an addendum on the day of the meeting to report any updates since the agenda was issued; and
  - the Chair of the Planning Committee will hold a briefing session with planning officers on each application to be considered in advance of the planning committee meeting.
  - all committee items will be bookmarked and reports presented with visual aids to show the site and the proposal.
17. The meeting will be presided over by the Chair of the Planning Committee. Following the approval of the minutes of the previous meeting and apologies, Councillors' will be given the opportunity to declare any interests they have on the agenda items, which should be recorded in the minutes of the meeting. Where a member has declared an interest in an application they cannot vote on that item and must either leave the meeting or sit in the public gallery for that item. However, they may make representations as per the normal speaking rights applicable to all councillors.

### **Consideration of Planning Applications**

18. The planning officer's report, which makes a recommendation on whether the application should be approved, approved with conditions or refused will be considered. Plans and photographs may be shown as appropriate.
19. In considering the report, members also have the opportunity to listen to speakers, ask questions of the officer and speakers, discuss and debate the case before taking a vote on whether or not to agree with the officer's recommendation. Members however should not engage in open conversation with speakers. They should normally only

speak once on any application in order to ensure committee business is dealt with in a speedy manner. The Chair retains the discretion to curtail members where points are being made repeatedly. The Chair has a casting vote. Where the majority of members vote against an opinion to approve and in the absence of any other proposals, such as the deferral of the application, the application will be deemed to have been refused. The Planning Manager, based on the Committee's decision, will furnish the detailed reasons for refusal.

20. Members can add conditions to a permission but they cannot amend the application itself (for example, by allowing a one-bedroom flat if the application is for a two-bedroom flat). Any additional conditions should be proposed and seconded before being voted on by members. As conditions can be tested at appeal and they should, therefore, be (i) necessary, (ii) relevant to planning and the development under consideration, (iii) enforceable, (iv) precise, and (v) reasonable in all other respects. Therefore, where alterations to conditions are proposed, the Committee will seek the advice of the Planning Manager. Where new conditions are proposed by the Committee, the precise wording of the conditions can be left to the discretion of the Planning Manager.
21. Members cannot take part in a debate or vote on an item unless they have been present for the entire item, including the officer's introduction and update.
22. Separate arrangement will be used to discuss special domestic or personal circumstances. Normally this will be held In Committee with members of the public and press excluded. An opportunity will be given for the applicant and objectors to present their case, but each separately. Once this has been done each party will be asked to leave in order for the Committee to discuss and determine the application.

## **PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS**

23. The following procedures will apply to MUDC Planning Committee meetings:
  - planning committee meetings will be open to the public;
  - Requests to speak must be received by the council (in writing or by email) no later than 12.00pm two working days prior to the meeting. The request should state whether they wish to speak in support or in opposition to a planning application. Any written information that the speaker wishes to circulate to members of the committee **must** also be provided at this time. Any written information received after this time **will not** be circulated;
  - Where a speaker wishes to request that an application be deferred for

consideration of additional information, then, at the time of the request they should set out their reasons for making such a request. The Planning Manager should review these requests prior to the meeting and, where the case warrants a deferral, the Planning Manager should ask the Committee to defer the item, noting any action to be taken.

- Where a speaker has availed of the opportunity to speak to the Committee, they will not normally be given the opportunity to speak for a second time if the application is deferred and returned to Committee for final decision.
- The order of speakers is a matter for the Chair, however, this will normally require objectors speaking before the applicant or their agent in order to allow the applicant the opportunity to respond to any issues raised. Thus, if members wish to speak, they should do so before the applicant/agent;
- All parties speaking at Planning Committee may be asked questions by members or the Planning Manager;
- The Planning Committee will be provided with copies of the information supplied by those who will be speaking at the Committee;
- other elected members may attend and speak about an application but only planning committee members can vote;
- elected members and members of the public (including agents / representatives etc.) may speak for up to 3 minutes;
- Where more than one person wishes to speak on behalf of or against a development, they will be encouraged to elect a spokesperson and, in any event, required to share the 3 minutes speaking time.
- documentation not received in advance of the meeting will not be permitted to be circulated to members by speakers;
- Planning officers can address any issues raised and the planning committee can question officers;
- Any exception to normal speaking rights and procedures will be a matter for the Chair.

## **DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

24. The Planning Committee will reach its own decision on applications put before it. Officers offer advice and make a recommendation. Planning officers' views, opinions and recommendations may, on occasion, be at odds with the views, opinions or decisions of the Planning Committee or its members. This is acceptable where planning issues are



finely balanced as there should always be scope for members to express a different view from officers. The Planning Committee can accept or place a different interpretation on, or give different weight to, the various arguments and material planning considerations.

### **Overturning recommendation to approve**

25. If a member does not agree with the officer recommendation to approve an application, they can propose reasons for refusal, which must be seconded by another member and then voted on. Any decision by the Planning Committee **must be based on proper planning reasons**. The Planning Manager (or their deputy) will be given the opportunity to explain the implications of the Planning Committee's decision. The reasons for any decisions which are made contrary to the planning officer's recommendation will be formally recorded in the minutes and a copy placed on the planning application file / electronic record.
26. As the refusal of a planning application that officers have recommended for approval may be overturned on appeal (to the Planning Appeals Commission), with the potential for costs awarded against MUDC, the Chair will seek the views of officers (including the council's solicitor) before going to the vote in terms of reasons for refusal that are contrary to officer recommendation. Officers will summarise what are considered to be the main reasons for refusal referred to by members during the debate and advise on what would be reasonable and what would not be reasonable reasons for refusal. Where appropriate the Planning Manager may also comment on whether a refusal on the proposed grounds is defensible, particularly at planning appeal.
27. The Planning Manager, in liaison with the Council Solicitor, will present the Committee's decision at planning appeal or in the courts or in any other forum.

### **Overturning recommendation to refuse**

28. MUDC Planning Committee may decide to approve an application against the officer's recommendation to refuse, aware that while there is no right of third party appeal, there is the possibility that the decision could be subject to judicial review. However, before making such a decision, the advice of the Planning Manager should be sought. Where an approval is granted contrary to officer advice, the Planning Manager and Council Solicitor will present the Council's decision is defended in the courts or any other forum.
29. The minutes should, in so far as is possible, accurately reflect the discussions and decisions taken during the meeting(s) as these could be used as

evidence should any complaints be made about how decisions are taken. Members can take their own notes on controversial applications.

## **DECISIONS CONTRARY TO LOCAL DEVELOPMENT PLAN**

30. In general, planning decisions will be taken in accordance with the local development plan (in so far as it is material to the application) unless material considerations indicate otherwise. If a Planning Committee member proposes, seconds or supports a decision contrary to the local development plan they will have to clearly identify and understand the planning reasons for doing so, and demonstrate how these reasons justify overruling the development plan. The reasons for any decisions which are made contrary to the development plan will be formally recorded in the minutes and a copy placed on the planning application file / electronic record. Before making such decisions the advice of the Planning Manager shall be sought.

## **DEFERRALS**

31. The Planning Committee can decide to defer consideration of an application to the next meeting for further information, further negotiations, or for a site visit. Before deferring an application the advice of the Planning Manager shall be sought and the purpose of the deferral clearly set out. Deferrals will inevitably have an adverse effect on processing times and therefore will be restricted to one deferral only. The Planning Manager may also ask the Committee to defer an application where it has been brought to his attention that there are errors or omissions in the case officer's report or where there is a matter worthy of further consideration.
32. Where an office meeting is to be held all councillors' will normally be informed and may make representations on behalf of objectors or applicants. However, where a member of the planning committee chooses to make representations then they will be required to declare a conflict of interest and will not be able to vote on the application at the next planning committee meeting at which the application is to be determined.

## **SITE VISITS**

33. On occasions, members of the Planning Committee may need to visit a site to help them make a decision on a planning application (e.g. where the impact or effect of the proposed development is difficult to visualise from the plans or photographs, or the

application is particularly contentious). These visits will be undertaken on an exceptional basis where appropriate. Where required, they may be identified by officers in consultation with the Chair or they may be asked for by Planning Committee members.

34. The Planning Committee clerk will contact the applicant / agent to arrange access to the site. Invitations will then be sent to members of the Planning Committee. Site visits will not be used as an opportunity to lobby Councillors' or to seek to influence the outcome of a proposal prior to the Planning Committee meeting. Members will not carry out their own unaccompanied site visits as there may be issues relating to permission for access to land, or they may not have the information provided by the planning officer and, in some circumstances (e.g. where a Councillor is seen with applicant or objector) it might lead to allegations of bias. Only Planning Committee members, officers, and local Councillors' should be permitted to attend the site visit. Where possible, the full planning committee should attend site visits, unless there are good reasons (e.g. a member is already very familiar with the site). The clerk to the planning committee will record the date of the visit, attendees and any other relevant information.
35. Planning officers will prepare a written report on the site visit which will then be considered at the next Planning Committee meeting at which the application is to be determined.

## **PRE-DETERMINATION HEARINGS**

36. Regulation 7 of the Planning (Development Management) Regulations (NI) 2015 sets out a mandatory requirement for pre-determination hearings for those major developments which have been subject to notification (i.e. referred to the Department of Environment for call-in consideration, but that have been returned to a council for determination). In such cases MUDC Planning Committee will hold a hearing prior to the application being determined.

In addition, the Planning Committee may also hold pre-determination hearings, at its discretion, when considered necessary, to take on board local community views, as well as those in support of the development.

37. In the main MUDC will only hold pre-determination hearings where there is a mandatory requirement as the speaking rights at planning committee are adequate to deal with nearly all cases. An exception may be made for major developments having taken into account:

- the relevance of the objections in planning terms;
- the extent to which relevant objections are representative of the community, particularly in the context of pre-application community consultation; and
- the number of representations against the proposal in relation to where the proposal is and the number of people likely to be affected by the proposal.

38. The hearing will take place after the expiry of the period for making representations on the application but before the council decides the application. The Planning Committee will decide whether to have a hearing on the same day as the related planning application is determined by the Planning Committee or to hold a separate hearing.

In holding a hearing the Planning Committee procedures will be the same as for the normal planning committee meetings (e.g. number of individuals to speak on either side, time available to speakers etc.). The planning officer will produce a report detailing the processing of the application to date and the planning issues to be considered. If the hearing is to be held on the same day as the application is to be determined, the report to members will also contain a recommendation.

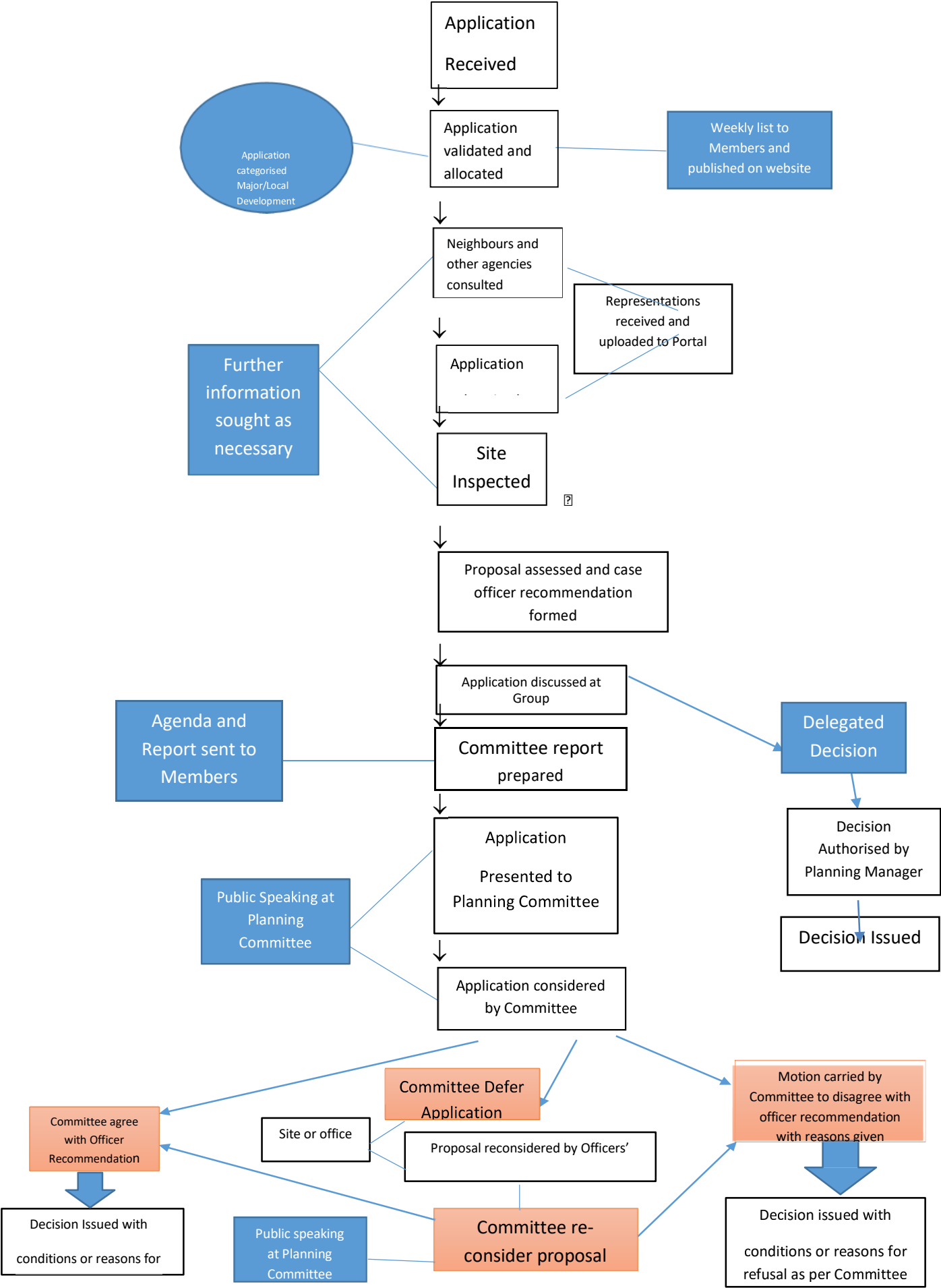
## **TRAINING**

39. Councillors' sitting on planning committees are required to attend relevant training on planning matters before they can sit on the Planning Committee.

## **LEGAL ADVISER**

40. The MUDC Planning Committee has access to its own in-house legal advice on planning matters.

# PLANNING APPLICATION PROCESS



## **ANNEX B**

### **INTERIM STANDING ORDERS REMOTE MEETINGS PROTOCOL AND PROCEDURE RULES**

These Interim Standing Orders have been produced for the purpose of proper administration, good order and clarity in relation to the conduct of any meeting that is held, either wholly or partly, by remote means.

This is as a consequence of the COVID19 pandemic and the enactment of legislation on 1<sup>st</sup> May 2020 that allowed for; remote meetings; remote attendance by members and members of the public, where applicable; and remote access by members of the public and press.

#### **1. Definitions**

“The 2020 Regulations” means The Local Government (Coronavirus) (Flexibility of District Council Meetings) Regulations (Northern Ireland) 2020 No.74;

“The 2020 Act” means the Coronavirus Act 2020;

“remote access” means the ability to attend or participate in a meeting by electronic means, including but not limited to, by telephone conference, video conference, live webcasts and live interactive streaming;

“remote attendance” means fulfilling conditions (i)-(iii) inclusive in Interim Standing Order 7 or 8 below, as appropriate;

“open to the public” includes remote access to the meeting and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.

#### **2. Introduction and Application of these Interim Standing Orders**

These Interim Standing Orders provide for the good administration and proper order of any remote meeting, either wholly or partially, of the Council and its various Committees.

These Interim Standing Orders should be read in conjunction with the Council’s Standing Orders and Procedure Rules within the Constitution. The 2020 Regulations, made under section 78 of the 2020 Act and subsequent legislation applies notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Council governing meetings.

These Interim Standing Orders do not negate the validity of the Council’s Standing Orders. Wherever there is a conflict, these Interim Standing Orders take precedence

only in relation to any aspect of the meeting, attendance or access that is by remote means.

### **3. Commencement and Duration**

These Interim Standing Orders exist on a temporary basis, taking effect immediately from and including their adoption on 28 May 2020. They remain valid and in existence unless revoked by the Council or in the absence of continuing legislative provision.

### **4. References to “place” and “present”**

Any references to a council meeting in the Standing Orders, is not limited to a meeting of members, all or any of whom, are present in the same place. Any reference to “place” where a meeting is held, or to be held, includes reference to more than one place, including electronic, digital or virtual locations, e.g., internet locations, web addresses or conference call addresses.

The Annual Meeting and meetings of the Council shall be held at 7pm in the place or places specified on the summons.

The ‘place’ at which the meeting is held may be at a Council building or may be where the organiser of the meeting is located or may be an electronic or a digital or virtual location, a web address or a conference call telephone number; or could be a number of these combined. The meeting may also be held in a Council building with a proportion of the membership and any participating public additionally attending remotely. The place of the meeting will be specified on the notice.

Any references to being “present” in the Constitution and Standing Orders, includes being present through remote attendance.

### **5. Notice and Summons of Meetings**

The requisite notice shall be given to the public of the time and place of the meeting, and the agenda, together with a link to view the meeting. The notice will be available on the Council’s website.

### **6. Public access**

Subject to below, meetings will be open to the public and members of the press and public will be encouraged to use remote access facilities provided by the Council to access a meeting remotely.

If the Chair is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision by the Council, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining

business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting.

### *Exclusion of Public and Press*

When council meetings are not open to the public, i.e., when confidential, or “exempt” issues are under consideration, the meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.

Where there is disturbance by the public, the Chair will warn the person concerned and can order that their remote access is severed, if the interruption continues.

## **7. Remote Attendance by Members**

A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:

- (i) to hear and be so heard by and, where practicable, to see and be seen by, the other Members in attendance.
- (ii) to hear and be so heard by and, where practicable, to see and be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

Where a member who is in remote attendance is muted or has forgotten to unmute themselves when they are speaking, this does not mean that they are unable to be heard for the purposes of 7(i)-(iii) above.

If a Member in remote attendance is leaving the meeting, they must indicate to the Chair when they are doing so. A member will be deemed to have left the meeting where, at any point in time during the meeting, any one of the conditions for remote attendance contained in 7(i)-(iii) above are not met. In such circumstance the Chair may, as they deem appropriate and subject to any indication given by the Member to the Chair;

- adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (i)-(iii) above to be re-established;
- count the number of Members in attendance for the purposes of the quorum; or
- continue to transact the remaining business of the meeting in the absence of the Member that is no longer in remote attendance.



A member who disconnects and re-connects to the meeting due to technological issues is still “present throughout” as long as any matters discussed during their absence are repeated.

## **8. Remote Attendance by the Public**

A member of the public entitled to attend the meeting in order to exercise a right to speak, or make a deputation, at the meeting is in remote attendance at any time if all three of the following conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

- (i) to hear and be so heard by and, where practicable, to see and be seen by, Members in attendance;
- (ii) to hear and be so heard by and, where practicable, to see and be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
- (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.

A member of the public in remote attendance and entitled to exercise a right to speak or make a deputation, will be deemed to have left the meeting where, at any point in time during the meeting, any one of the conditions for remote attendance contained in 8(i)-(iii) above are not met. In such circumstance the Chair may, as they deem appropriate:

- (a) adjourn the meeting for a short period to permit the conditions for remote attendance contained in 8(i)-(iii) above to be re-established;
- (b) suspend consideration of the item of business in relation to the member of public’s attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public’s remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
- (c) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

Refer to Planning section for difference in proceeding in these circumstances.

## **9. Remote Voting**

In relation to the Chair taking the vote by a show of hands, this will involve those members in remote attendance ensuring their video is turned on and raising their hands.

If the Chair is unable to see a Member in remote attendance, the Chair will ask that member to verbally indicate how they wish to cast their vote.

The Chair may, in their absolute discretion, decide to call a vote by remote means using an electronic voting system for remote voting.

## **10. Access to Information**

Members of the public may access minutes, decision and other relevant documents through the Council's website.

## **11. Postponing a meeting**

The Chair can postpone a meeting by giving 24 hours' notice to members, or such shorter period as the Chair may determine in cases of urgency. The same notice will be published on the Council's notice.

## **12. Planning**

The Protocol for the operation of the Planning Committee is amended as follows:-

### *Addendum*

Any additional papers tabled at a Planning Committee meeting by way of the Addendum must be emailed to each Committee member by 5pm on the evening of the Committee.

At the start of each meeting, the Chair will ask members to confirm that; (i) they've received the Addendum; and (ii) they've had sufficient time to review same. If any member indicates in the negative to 12(i) and/or (ii), the Chair will allow, by a short adjournment if necessary, for these to be delivered to and read by said member.

### *Visual Aids*

To ensure that a member in remote attendance can clearly follow any officer presentation, copies of the presentation should be shown simultaneously and be able to be seen by the member in remote attendance.

### *Speaking Rights*

Any reference to speaking rights and the exercise of same (with the exception of Pre Determination Hearings below) will be treated as follows:-

- a. In the first instance, the requester will be offered an opportunity to attend the meeting by remote access.
- b. If the requester is unable to attend remotely, and subject to the Council being able to facilitate attendance in person, the requester will be offered the opportunity to attend the meeting in person. Please note only one person per speaking time will be able to attend in person and so speaking time cannot be shared (e.g., one person for applicant; one person against development); and
- c. If the requester is unable or unwilling to exercise speaking rights by virtue of 12a. or b. above, they will be able to provide Written Submissions no later than 12pm two working days prior to the meeting, which will be circulated to members the Committee.

The deadline for receipt of requests to speak including the submission of any written information remains as per paragraph 23 of the Protocol on the Operation of the Planning Committee, i.e., no later than 12pm two working days prior to the meeting.

### *Pre Determination Hearings*

Any reference to speaking rights and the exercise of same in relation to Pre Determination Hearings will be treated as follows:-

1. In the first instance, the requester will be offered an opportunity to attend the meeting by remote access and the conditions in Interim Standing Order 8(i)-(iii) must be met;
2. If the requester is unable to attend remotely, and subject to the Council being able to facilitate attendance in person, the requester will be offered the opportunity to attend the meeting in person. Please note only one person per speaking time will be able to attend in person and so speaking time cannot be shared (e.g., one person for applicant; one person against development).

### *Remote attendance by the public*

Where a member of the public in remote attendance and entitled to exercise a right to speak has been deemed to have left the meeting when their particular application is under consideration, the Chair may, as they deem appropriate:

- (a) adjourn the meeting for a short period to permit the conditions for remote attendance contained in (i)-(iii) of Interim Standing Order 8 above to be re-established;
- (b) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established. If the conditions for the member of the public's remote attendance cannot be satisfied prior to the conclusion of the meeting and before the committee resolves to go in to closed business, the application under consideration will be deferred until the next available Planning Committee meeting.

### *Declaration of Interests*

Where a Member in remote attendance has declared an interest in an application and would ordinarily be required to leave the meeting or sit in the public gallery, that member will be required to turn their video off and have their microphone muted whilst any discussion or vote takes place in respect of the item or items of business which the member may not participate.

## **13.Licensing**

When considering any application relating to the licensing function of the council and there exists a statutory requirement that the Council gives an opportunity of appearing before and of being heard by the council to any person, or words to that effect, then the Committee can satisfy this requirement by:-

1. In the first instance, the Speaker will be offered an opportunity to attend the meeting by remote access and the conditions in Interim Standing Order 8(i)-(iii) must be met;
2. If the Speaker is unable to attend remotely, and subject to the Council being able to facilitate attendance in person, the Speaker will be offered the opportunity to attend the meeting in person. Please note only one person per speaking time will be able to attend in person and so speaking time cannot be shared.

### **3.5 Executive Procedure Rules**

Not applicable. Mid Ulster District Council has not resolved to operate a system of Executive Arrangements. This section will be updated should it elect to do so.

### **3.6 Overview and Scrutiny Procedure Rules**

Mid Ulster District Council currently does not operate within Executive Arrangements and hence require an Overview and Scrutiny Procedure. Council has not resolved to operate a system of Executive Arrangements. This section will be updated should it elect to do so.

## **3.7 Financial Procedure Rules**

### **3.7.1 The budget framework**

3.7.1.1 The Council is responsible for agreeing the budget framework in accordance with 3.2 (Budget and Policy Framework Procedure Rules).

3.7.1.2 The Chief Financial Officer is responsible for:

- Ensuring that the Council's financial systems are sound;
- Establishing arrangements to be notified in advance of and approve any proposed new developments or changes to existing financial systems;
- The operation and administration of accounting systems including budgetary control systems, the form of accounts, including the publication thereof, and the supporting financial records; and
- Design and operation of the Council's governance framework, including support of and liaison with the Audit Committee, External and Internal Auditors

3.7.1.3 The Directors and Heads of Service are responsible for:

- The proper operation of financial and other controls in their respective service, including the design, testing and implementation of effective contingency and backup procedures;
- Maintenance and secure retention of relevant accounting and other records;
- Documentation of systems and ensuring that staff receive appropriate relevant financial training before they are granted access to financial systems and responsibility for financial transactions;
- Design and operation of a proper scheme of delegation in their area which is consistent with Council's financial delegations and other relevant policies such as the Procurement Policy;
- Ensuring that all relevant staff:
  - Are familiar with budgetary parameters;
  - Monitor budgetary performance on a timely basis and promptly investigate, report and action any and all significant budgetary variations; and
  - Contribute effectively to budget preparation

### **3.7.2 Budget preparation and business plans**

- 3.7.2.1 The Chief Financial Officer will prepare an annual budget in accordance with 3.2 (Budget and Policy Framework Procedure Rules).
- 3.7.2.2 The Directors and Heads of Service shall support the Chief Financial Officer in the preparation of the annual budget. Each officer shall provide on a timely basis such information and explanations as are necessary to enable the Chief Financial Officer to prepare the annual budget. The information and explanations shall include:
- Staff establishment and associated costs;
  - Revenue costs;
  - Capital costs; and
  - Other financial and performance information including potential for and implications of legislative and/or delivery changes and/or economic opportunities and threats/sanctions
- 3.7.2.3 The Chief Financial Officer shall ensure that all relevant policies (e.g. Minimum Revenue Provision Policy), Prudential indicators and strategies (e.g. Treasury Management Strategy) are prepared and presented to the Policy and Resources Committee and the Council on a timely basis.
- 3.7.2.4 Each Director shall ensure that the budgets and establishment approved by Council are accurately reflected in the Council's budgetary control system as soon as practicable post 1 April.
- 3.7.2.5 Directors and Heads of Service shall prepare business and service improvement plans together with proportionate economic appraisals to support the delivery of the Council's objectives and in conformance with Council policy.

### **3.7.3 Financial Regulations**

- 3.7.3.1 The Director of Finance is responsible for the administration of the Council's financial affairs. This responsibility includes the preparation and issue of financial regulations which are the rules which govern the management of the Council's financial resources. The Director of Finance will ensure that the Financial Regulations and any subsequent revisions and/or additions thereto are made available to all Directors, Heads of Service and Members.
- 3.7.3.2 It is the personal responsibility of all Directors and Heads of Service to comply with the Financial Regulations and to ensure that all subordinate staff within their departments comply with all relevant Regulations. Failure to comply with Financial Regulations may constitute a disciplinary offence.



### **3.7.4 Virement**

- 3.7.4.1 Virement rules are intended to allow the Chief Financial Officer to manage the annual budget once it has been approved by the Council, while also providing for good governance.
- 3.7.4.2 A virement is the transfer of financial resources between budget heads within a financial year.
- 3.7.4.3 The Chief Financial Officer shall have the authority to vire resources within and between budget heads subject to the following conditions:
- All individual virements that exceed £500,000 require Council approval;
  - Individual virements within the same budget head shall not, within any three month period, exceed £500,000 without Council approval;
  - Individual budget virements between budget heads that exceed £250,000 require Council approval;
  - Individual virements between budget heads shall not, within any three month period, exceed £250,000 without Council approval;
- 3.7.4.4 Individual Directors shall have the authority to vire resources within budget heads subject to the following conditions:
- All individual virements that exceed £20,000 require the approval of the Chief Financial Officer;
  - Individual virements within the same budget head shall not, within any three month period, exceed £50,000 without the approval of the Chief Financial Officer;
  - Transfers of agreed budget amounts between budget heads to facilitate the transfer of activity from one department to another shall not be deemed a virement for the purpose of these Rules. However, such transfers will not be actioned without the approval of the Chief Financial Officer; and
  - All virements/transfers of agreed budget amounts, together with the reasons therefor, must be submitted by the relevant Director(s) in the prescribed format for processing to the Director of Finance.
- 3.7.4.5 The Director of Finance shall ensure that appropriately requested (and authorised where relevant) virements/transfers are actioned within 10 working days of receipt.
- 3.7.4.6 Virements/transfers actioned shall be reported to the Chief Executive in the prescribed format on a monthly basis.
- 3.7.4.7 Certain virements shall not be actioned without the express approval of the Director of Finance. For example:

- Capital financing;
- 'Support' or 'common' costs which are allocated between departments;
- Non-cash expenditure, where relevant

3.7.4.8 Virements can have significant impacts on service delivery and/or communities generally. Consequently, Directors shall be required to explicitly consider the potential for same when considering requesting a virement regardless of quantum.